

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

A.V. DIAMONDS, INC.,

Plaintiff,

v.

SHABBAZ SHABBIR,

Defendant.

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CIVIL ACTION H-06-1403

Order

Pending before the Court is Plaintiff's Unopposed Demand for Judgment by Default (Dkt. #8), which the Court construes as a motion for entry of default and default judgment. Plaintiff seeks both entry of default and default judgment in the amount of \$137,580.85. The record reflects service of process upon Defendant in this action was perfected May 16, 2006. Since that time, Defendant has failed to answer or otherwise respond to Plaintiff's complaint. Therefore, entry of default is appropriate. Plaintiff's request for entry of default is GRANTED.

As for Plaintiff's request for default judgment, the Southern District of Texas Local Rules require that all motions must be served on all parties. *See* S.D. Tex. Local Rules 5.6. In particular, motions for default judgment must be served on a defendant by certified mail, return receipt requested. *See id.* Because Plaintiff's request for default judgment does not comply with the relevant local rule, it is DENIED without prejudice to Plaintiff to re-file the motion in compliance with this Court's requirements.

Signed at Houston, Texas on July 7, 2006.



Gray H. Miller
United States District Judge